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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION

CIVIL APPLICATION NO.3775 of 2007
IN
FIRST APPEAL NO. 2043 of 2007

Smt.Sharyu Vinayak Bhide & ors. ...Applicants
v/s.
Shri Amit Arun Godbole & ors. ...Respondents

Mr.A.P.Vanarse for the Applicant
Mr.S.S.Patwardhan for the Respondent

CORAM : ANOOP V. MOHTA,J.
DATED : 10th October, 2007

P.C.

. This is an appeal against the judgement and decree dated 23-4-2006 passed by the Civil Judge, Sangli. Apart from possession, the Court has directed to pay Rs. 1,26,000/- towards the use and occupation charges within three months, based on the approximate assessed occupation charges of Rs. 3,500/- per month. This Court has admitted the present first appeal on 6-10-2007. The applicant, however, inspite of this decree is in occupation of the premises which is situated in commercial area of Sangli. Admittedly, she is doing business.

2. Without observing anything on the merit of the matter at this stage, such occupation just cannot be without regular payment of use and occupation charges apart from the arrears of the same as ordered by the

Court.

3. The appellant is aged 59 doing business in the said premises. Therefore, at this stage of the proceedings she must deposit Rs.one lac pursuant to clause 3 within six weeks and also to pay arrears from 1-5-2007 upto October 2007.

4. The applicant should pay monthly use and occupation charges from 1-5-2007 at the rate of Rs. 3500/- as directed by the trial Court regularly. Any consecutive default shall make this interim order stand vacated without referring to Court's order.

5. The interim order as granted of status-quo is based upon the above condition only. The default, if any, made shall render this order stand vacated without reference to Court's order. The appellant shall not create any third party interest or right or inconvenience of any kind in the premises in question pending the disposal of the first appeal. The enquiry as ordered shall continue under order XX rule 12(c).

6. Civil application is disposed off accordingly.

Appeal expedited. Respondents to file paper book.

[ANOOP V. MOHTA,J.]